

REMARKS

Claims 1-18 are pending in the present application, claims 14-18 and added herein. The Official Action of August 16, 2006, and the prior art cited and relied upon therein have been carefully studied. Favorable reconsideration and such allowance are respectfully urged.

Applicant notes that the claims have been amended for clarity and that no new matter has been added. The amendment to claim 1 is supported, *inter alia*, on page 2 line 8, and page 6 lines 24 through 26 of the present application. The amendment to claim 12 supported, *inter alia*, by Figs. 5 and 6, and the accompanying disclosure. New claim 14, 16, and 18 are supported, *inter alia*, on page 7, lines 4-5. New claim 15 is supported on page 6, lines 24-26 and Figs. 5 and 6. New claim 17 is supported, *inter alia*, on page 7, lines 5-6.

The Examiner has rejected claims 1-3, and 5-7 under 35 U.S.C. §102(b) as being anticipated by Wirtgen (German patent 2,650,487). Claims 1-3, 6-8, 12, and 13 were rejected under 35 U.S.C. §102(b) as being anticipated by Onishi (Japanese patent 11-217810). Claims 4 and 8-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wirtgen. Applicant respectfully traverses this rejection as applied to the claims as amended.

Claim 1 recites an apparatus for erasing a road marking on a road lane including a chassis adapted to travel over the road lane, a heating source mounted to the chassis, and at least one positively driven rotatable brush mounted to the chassis. The at least one brush has bristles configured to be heated directly by the heating source and contactable with the road marking for applying heat thereto for removing the marking from the road, such that the only portion of the road that is significantly heated is that portion contacted by the bristles.

This is not taught, disclosed, or made obvious by the prior art of record.

The Office Action asserts that claim 1 is not patentable over Wirtgen because Wirtgen allegedly discloses an apparatus including a chassis (see figure 1), a heating source (6), and a rotatable brush (13). The Examiner further alleges that "the brush has bristles connectable with the road marking and for removing the marking from the road. Because the brush is intended to contact heated asphalt, it meets the broad recitation of 'adapted to be heated directly by the heating source'." Applicant respectfully disagrees.

Claim 1 of the present application, both originally and as amended, clearly recites that the apparatus comprises "... a heating source *mounted to the chassis* ..." and "... bristles...

for being heated *directly* by the heating source... ." Following the Examiner's logic, and considering the heating source to be the asphalt, such a heating source does not comply with the limitation of claim 1 of being mounted to the chassis. On the other hand, if the array of burners is the heating source, as described in Wirtgen, and the heating source first heats the asphalt, and only then as a result of this, the bristles are heated, thus not complying with the limitation of direct heating as defined in claim 1. For at least this reason, Applicant respectfully submits claim 1 is patentable over Wirtgen.

Claim 1 was also rejected over Onishi. Onishi discloses a machine for scraping ice from a road, which comprises a heating source and a brush, in which the heating source heats both the brush and the road surface. In contrast, claim 1 recites that the heating source of the apparatus of the present invention may only heat the brush and is incapable of directly heating the road. In particular, according to claim 1, the only portion of the road that is significantly heated is the portion that is contacted by the bristles. One advantage of such an arrangement is a possibility of heating the bristles to a very high temperature without damaging the asphalt. Another advantage of the arrangement is that clogging of the brush is prevented and removal of road marking materials from the brush is facilitated.

Claims 2-11 and 18 depend from and include the recitations of claim one. Applicant respectfully submits claims 2-11 and 18 are patentable in and of themselves and for the reasons discussed above with respect to claim 1. Claims 12 and 15 are believed to be patentable, at least for the reasons discussed above with respect to claim 1. Claims 13-14 depend from claim 12, and are believed to be patentable for the reasons discussed above with respect to claim 1.

In light of the foregoing discussion, Applicant kindly requests withdrawal of the rejection against the independent claims and the claims dependent therefrom.

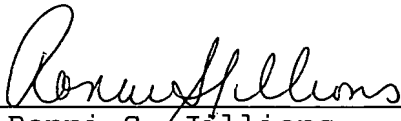
Acknowledgement by the PTO of the receipt of applicants' papers sent by IB as indicated in the paper mailed on May 16, 2006, is noted. However, since the paper was withdrawn in the office action mailed on August 16, 2006, the Examiner is respectfully requested to repeat the acknowledgment of receipt of the priority document. Likewise, the Examiner is requested to repeat the acknowledgment that the formal drawings have been accepted.

Appln. No. 10/525,065
Amdt. dated September 18, 2006
Reply to Office Action of August 16, 2006

Favorable reconsideration and allowance are
earnestly solicited.

Respectfully submitted,

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